

THE DAILY NEWS.

LARGEST CIRCULATION.—THE DAILY NEWS BEING THE NEWSPAPER OFFICIALLY RECOGNIZED AS HAVING THE LARGEST CIRCULATION IN THE CITY OF CHARLESTON, PUBLISHES THE LIST OF LETTERS REMAINING IN THE POSTOFFICE AT THE END OF EACH WEEK, ACCORDING TO THE PROVISIONS OF THE NEW POSTOFFICE LAW.

LOCAL MATTERS.

AUCTION SALES THIS DAY.

CAMPBELL, KNOX & Co. will sell at 10 o'clock, at their auction house, Hasel-street, groceries, hardware, &c.

M. MARSHALL & BROTHER will sell at half-past 10 o'clock, in front of their office, Broad-street, two mules and a horse.

MILES DRAKE will sell at 10 o'clock, at his store, corner of King and Liberty streets, boots, shoes and hats.

THE DAILY NEWS PRICE CURRENT AND COMMERCIAL CIRCULAR will be ready for delivery at our counting room at nine o'clock this morning. Single copies five cents. Orders for ten copies and over will be filled at the rate of two and a half cents per copy.

THE QUO WARRANTO CASE.—THE STATE vs. JNO. W. BROWNFIELD.—The arguments in this case were heard yesterday by Chief Justice Willard, in chambers. J. Barrett Cohen, Esq., of the firm of Duryea & Cohen, appeared as counsel for Jno. W. Brownfield, who was elected Clerk of Court by the Legislature in 1866; and D. H. Chamberlain, Esq., the Attorney-General, appeared on behalf of Mr. A. C. Richmond, who claims the office of Clerk of Court by virtue of having been elected in June last, at elections held under authority of an order of Gen. Canby. Mr. Richmond was elected by the Legislature in 1866, and subsequently demanded possession of the office and records, which demand was not complied with. The writ was then issued summoning Mr. Brownfield to appear before the Chief Justice, and show by what authority he retained the office, it having been decided that the Court had full jurisdiction in the case. The following was the suggestion of Mr. Richmond:

STATE OF SOUTH CAROLINA.—CHARLESTON COUNTY. The answer of J. W. Brownfield to the writ of quo warranto issued in re the State ex parte Attorney-General S. J. W. Brownfield, commanding the said J. W. Brownfield to show by what authority he assumed the office of Clerk of Court of South Carolina, and the 18th day of December, 1868, is in the possession of the said J. W. Brownfield, ready to be produced at any and all times, and now produced before this honorable Court, and by this warrant the said J. W. Brownfield has been summoned to appear before the office of Clerk of Court as aforesaid.

The said J. W. Brownfield, for further answers, says that the acts known as the Reconstruction acts, passed by the Congress of the United States, have not vacated his office or deprived him of the right to execute the same, but that, if the said acts have done so, they could not have affected such military orders, and that the said acts are unconstitutional, as he is advised. And the said J. W. Brownfield further shows that if the said acts are constitutional, then, under the Constitution of the State of South Carolina, ratified on the 15th and 16th days of April, 1868, he, the said J. W. Brownfield, has not been ousted from the said office as he is advised, and that under the said constitution he is still Clerk of the said court, and that no successor has been constitutionally elected, and by this warrant he holds the said office.

And the said J. W. Brownfield further shows that the acts known as the Reconstruction acts conferred on the commanding general of the military districts no power to order elections after the ratification of constitutions by the States known as said military districts, and that if the said military commanders did issue such orders, they were issued in violation of law, and, therefore, absolutely void; but now, if such orders were not absolutely void, that any party elected under such military orders, was not necessarily compelled to comply literally with such orders, and that, having failed to comply with such orders, according to their terms, was a forfeiture of any office that may have been organized under said orders. And, further, that as soon as the constitution of the State was accepted by Congress, and the senators and representatives were admitted to Congress, the constitution of the State became the paramount law of the land, and the Constitution of the State provides how and when the Clerk of the Court should be elected.

The said J. W. Brownfield further shows that the said A. C. Richmond claims to have been elected under a military order, which the said J. W. Brownfield is advised is null and void; that the said Richmond did not comply with the terms of the said order, but claims to have been qualified under a subsequent act of the Legislature, which the said J. W. Brownfield is advised by his counsel is contrary to the Constitution of the State of South Carolina. The said J. W. Brownfield, therefore, shows that the said A. C. Richmond has never been at any time entitled to claim the office of Clerk of the Court, and that the said J. W. Brownfield is still the said Clerk.

DURYEA & COHEN, Counsel for the Respondent, J. W. Brownfield.

The Attorney-General opened his argument by reading the military orders of General Canby in regard to the election, and the twenty-seventh section of the fourth article of the constitution on the same subject; the certificate from the Registrar of Mesne Conveyance that the bond had been signed and was deposited in that office, also the commission of the Governor. He also read the demand of Richmond for the office and the reply of Mr. Brownfield through his counsel, and closed by reading the suggestion which had induced the issuing of the writ of quo warranto. Mr. Chamberlain said that having argued a similar case before and before the same Judge, he deemed it useless to repeat the arguments used on that occasion, especially as he understood that opposite counsel designed confining the question strictly to the point at issue, and there would be no points raised as to the legality of the Reconstruction acts or other foreign subjects. He was present simply to show who was the Clerk of the Court and not to argue points not bearing on that issue. The military orders, the constitution and the acts of the Legislature were the law, and upon them he rested his defense of the claimant.

Mr. Cohen, in reply, said that if the Attorney-General rested upon the military orders, his case would fail short, granting that such orders could be issued, which, however, could not be done under the Reconstruction acts. These orders required all officers elect to qualify under the laws of South Carolina, which stated that the bond must be filed within thirty days after the election. This not being done in this case, the election would be void. Richmond having failed to comply with this requirement as to time, Brownfield was still the Clerk, because by the same law the Clerk holds office until his successor is elected and qualified. The election in this case was held on June 3, under military orders. Thirty days after this Richmond should have qualified, or his election was void. The order announcing the election was issued July first. Admitting this to be in conformity with the Constitution and Reconstruction acts, the 31st of July was the last day on which the bond could be filed, as the military orders required all officers to conform with the requirements of the Provisional Government. Richmond did not file his bond until the 29th of August, which, under the orders, was one month after the election was made void. Mr. Brownfield was commissioned by Governor Orr on the

18th December, 1865, to continue in office for four years, and that the office was his property, which was decided as early as the case of Marbury vs. Madison, and recently in the case of the test oath heard before the Supreme Court. Mr. Brownfield was therefore entitled to hold office until the 18th December, 1869, and then to continue in office until his successor was appointed, unless the office should be destroyed by the Constitution of the State. This has not been done, but the 27th section of the 4th article of the Constitution, which provides for this office, says that the Clerk of the Court shall be elected, and shall hold office on the same conditions as heretofore.

Richmond was not elected under the said constitution, nor by the qualified electors under the same, for a large number of these had been disqualified under the military orders. It was well known that the Chief Justice had ruled the Reconstruction acts to be constitutional, for if he had decided otherwise it would have been equivalent to stating that he had no right to his seat, and he (Mr. Cohen) had no desire to argue this question, but desired decision on the point that Brownfield was clerk under the Reconstruction acts, he not having been ousted by military authority. Again, he did not desire to argue that the Reconstruction acts did not give the military commander the authority to order the election of State officers after the constitution had been voted on and accepted. The presiding judge, as Chief of the Bureau of Military Justice, knew that prominent legal gentlemen had advised Gen. Canby that he could not issue the order for the June elections. Richmond did not comply when the State was admitted at a time when the constitution was paramount. No officer could then qualify unless elected under the constitution, and he did not even qualify within the thirty days allowed. It may be argued that the Legislature permitted Richmond to qualify by an after act. The Legislature is but the creature of the constitution, and could not go beyond it. Under the constitution and the reconstruction laws Richmond could not qualify in thirty days, it stood as if no election had been held. Brownfield was then the Clerk of the Court, and could only be removed by the Constitution of the State.

Mr. Chamberlain said that the opposite counsel had admitted that Richmond's election had failed because he had not qualified within the thirty days. The election held on the 21st and 22d of June was only announced by the military on the 1st of July, and it was only then that he had been elected. He had no right until that time to file his bond, but prior to the close of the thirty days, on the 13th day of August, an act was passed by the Legislature, extending the time for thirty days longer. He argued that until the President's proclamation all acts passed were not of full effect, and offices taken previous to that would only be provisional. The State officers were elected by the only power that could order or forbid an election, and they were in readiness when the State was admitted to take possession.

In conclusion, he would ask that John W. Brownfield do not only vacate the office of Clerk of the Court, which has been unjustly withheld from the claimant, but from the date of the demand account for the proceeds to that lawful officer. This has been too long delayed, owing to proceedings which could not be controlled; but he was happy to state that he was now here where the case could be heard, and he asked that a judgment of ouster be issued against the said John W. Brownfield, to take effect from the 5th of September.

Judge Willard said that it had been already announced that he would be in Chambers on Tuesdays and Fridays, and his decision would be given on one of those days.

SOUTH CAROLINA MUTUAL LIFE INSURANCE COMPANY.—No quorum was present at the meeting of this company last evening, and it was informally determined to call another meeting for Thursday evening next.

MATRIMONIAL SQUABLES.—The residents of Rutledge-street, north of Wentworth, were alarmed a few evenings since at hearing the cries of murder and groans. Efforts were made to discover whence the alarm proceeded, but without success. It was shrewdly surmised that the noise was the result of conjugal infelicities.

A DULL DAY.—The leaden clouds that obscured the sun early yesterday morning, poured down their contents during the forenoon, and the drip, drip of the rain was a constant sound during the remainder of the day. There were no cases reported last night at the Guard-house or Detective office, and quiet and good behavior seemed to have been the order of the day.

THE SAVANNAH REPUBLICAN.—This journal was sold at auction in Savannah on Tuesday last for \$11,550, about \$3300 less than its appraised value. The Republican will in future be published and edited by Col. J. R. Sneed, who was the predecessor of the late proprietor, Mr. Hayes. Col. Sneed is a gentleman of experience and ability, and will doubtless make the Republican well worthy of the thriving city in which it circulates.

A CHANGE FOR COTTON PLANTERS.—The manufacturers of the Star Cotton Gin and Comber have reduced their prices fully twenty-five per cent. less than the former rates, and these indispensable articles are now offered to the public at a very low figure. Messrs. Cameron, Berkeley & Co. are the agents of the gins, and will take pleasure in explaining their mechanism and merits. For full particulars see advertisement.

A NEEDED IMPROVEMENT.—The eastwalk on the north side of Calhoun-street, east of the Bay, is in a deplorable condition, and demands immediate attention. It is lower than the bed of the street, and covered with broken bricks, which render walking anything but pleasant. As the new plank road will pass through this portion of Calhoun-street, the authorities should see to the sidewalks, or pedestrians will be driven to walk in the middle of the street.

SOUTHERN CADETS AT WEST POINT.—Below will be found a list of cadets from the Southern States, admitted to West Point Military Academy, on first September last. A number of others had appointments, but failed to pass the necessary examination: Tennessee—W. H. W. James; North Carolina—S. W. Jones, W. Lassiter, H. R. Lemby, J. E. Tyler; South Carolina—G. D. Wallace; Alabama—W. H. Miller, O. B. Warwick; Florida—C. B. Varum; Arkansas—H. Wygant.

REAL ESTATE SALES.—Messrs. Leitch & Bruns sold yesterday, for Louis McLain, Assignee, a lot of land, with the buildings, on Meeting-street, upward, measuring eighty feet front by one hundred and forty feet deep, for \$280.

A lot, with the buildings, on the south side of Woolf-street, measuring forty-three feet front by one hundred feet deep, for \$250. A lot, with the house and outbuildings, on the east side of Meeting-street, upward, measuring forty feet front by one hundred and forty-two feet six inches deep, for \$288. The terms in each case were one-third cash, and the balance in one and two years.

ROCK-A-BY BABY, ON THE TRAIN-TOP.—On Wednesday, as the down Columbia night express train on the South Carolina Railroad was approaching Shiloh's Turnout, a signal was given for the train to stop. A lady got on, and when the train moved off a basket, neatly covered with cloth, was found in the conductor's office. The basket was addressed to "G. W. Clark, Mayor of Charleston." No one knew anything about it, and while it was being examined, a unmistakable cry was heard. When the basket was opened it was found to contain a white baby, apparently about four days old. The child was sewed up in a piece of cloth, and had no clothing. It was necessary to make some provision at once for the "little stranger," and it was thought that Mayor Clark might not be in the way of such things, the stewardess, Martha, left the child at Branchville to be nursed. The child at last accounts was doing well, but a permanent "wet nurse" is wanted. When the city is ready to receive the child, Martha will, it is presumed, deliver him to the Mayor.

HOTEL ARRIVALS, October 8.—Charleson Hotel.—D. L. Ward, R. and G. Railroad; J. C. Gillett, Augusta, Ga.; W. W. Colman, New York; Geo. Hammond, Nashville; E. H. For, Philadelphia; Jno. P. Smith, Baltimore; Mrs. Geo. F. Lincoln, Providence, R. I.; Sam'l J. Guster, Georgia; C. G. Nowell, Monroe, Ga.; W. W. Marple, W. H. Beers, Beaufort; A. S. Alden, Savannah.

Pavilion Hotel.—Henry A. Cohen, city; C. W. Smith and lady, Chas. C. Smith, Baltimore; W. H. Nichols and lady, Blackville; F. N. Walker, Cross Anchor, S. C.; N. P. Dutton, steamer Sea Gull; J. B. Hendricks, Florida; J. S. Brockington, Wimsbury; P. S. Worham, Gourdins; W. D. Worham, Cooper River; Jas. O. Ladd, Summerville; G. W. Cook and lady, Newman, Ga.; E. P. Lucas, Darlington; Dr. J. Lunney, Darlington; T. A. McKee, Bennettsville; P. G. Coburn, H. W. Coburn, Summerville; W. A. Armstrong, South Carolina; Geo. W. Byrd, Asheville, N. C.

BUSINESS NOTICES.

OYSTER SOUP and boiled bass for lunch at York's this forenoon.

CONLEY'S CELEBRATED PIG HAMS.—Wm. S. Conley & Co., No. 237 King-street, have received this week a supply of the above hams, ranging from five to ten pounds, which are warranted strictly prime, and will give satisfaction. Prime golden butter received every week by steamer.

CHEAP APPLES.—Mrs. C. D. Kenrick, No. 83 Market-street, has a large stock of the Northern apples, which will be sold from sixty-five cents to one dollar per peck, and from twenty to fifteen cents per dozen. This is a good chance for an investment.

MOREHEAD BITTERS.—These bitters can be had at James McKean, No. 58 Anson-street, who is prepared to fill all orders with dispatch.

CHOICE GREEN AND BLACK TEAS, one dollar per pound, at Wilson's grocery, southeast corner Society and Anson streets. Goods delivered free.

IF you want cheap Blank Books; IF you want cheap Stationery, Envelopes, Paper, &c.; or Miller's Almanac; IF you want Printing executed neatly; IF you want Books bound in any style, or Account Books made to order, with any desired pattern of ruling, go to Hiram Harris, Agent, No. 59 Broad-street.

Financial.

EXCHANGE BOUGHT AND SOLD.

ADVANCES MADE ON CONSIGNMENTS TO New York, Liverpool and Havre, by LESSEE & WELLS, No. 10 Broad-street. 1mo

EXCHANGE ON NEW YORK AND LIVERPOOL.

FOR SALE BY GEO. W. WILLIAMS & CO. September 8 DAC 1mo

Miscellaneous.

CHAPPEAU DE PARIS.

GENTLEMEN WAITING THE OPENING OF PARISIAN "SOFT HATS" are notified that STEELE, Importing Hatter, is now prepared to exhibit a choice assortment of the finest textures and colors. Prices \$1.50 to \$5.

No. 313 King-street, Sign of the "Big Hat." 13

SEGAR EMPORIUM.

R. SALAN, AGENT FOR THE CHARLESTON Branch of the Havana Segar Factory, "La Valentia," would respectfully invite the attention of smokers to his very large stock of HAVANA and DOMESTIC SEGARS, of all grades and sizes, selected by him in this country, and warranted to be as represented. Sample boxes sent to the country and orders executed by Express, C. O. D., or 30 days' city acceptance. No. 118 EAST BAY-STREET, CHARLESTON, S. C. mwmfmo

MILL POND OYSTERS.

PLANNED, NURTURED AND FED BY THE "Campanello" Company, universally acknowledged by judges to be the finest, delectable OYSTERS in the world—at themselves and most fattening nourishment, superior to Norfolk and New York Bivalves in delicacy, sweetness and relish. To be had in quantity or at retail, by the barrel, bushel or peck in the shell, and by the gallon, quart or pint opened, at the WEST END OF BE-BE-STREET, JOHN S. SCHMIDT, Agent.

WOOD! WOOD!

THE UNDERSIGNED, WITH C. L. TRENNHOLM, will sell OAK AND PINE WOOD, at wholesale and retail. Orders promptly filled. If left at JOSE JARA's, corner Meeting and Market streets, at Dr. SKRINER'S Drug Store, King-street, or at their office, Central Wharf. R. MACBETH, Agent. September 29

COAL! COAL!!

JOHN S. HURLBECK, (OFFICE EAST BAY, OPPOSITE UNION WHARVES.)

BEINGS LEAVE TO INFORM HIS FRIENDS AND the public that he has commenced the COAL AND GENERAL COMMISSION BUSINESS, and solicits a share of their patronage. August 17 3mo

ROSADALIS

Purifies the Blood.

For Sale by Druggists Everywhere.

July 28 DAC 1yr

CHARLESTON HOTEL STABLES.

THESE EXQUISITE STABLES ARE NOW IN thorough repair and contain

A FULL STOCK OF HORSES AND VEHICLE OF EVERY DESCRIPTION,

Which can be obtained at all hours.

OPEN AND CLOSE CARRIAGES AND BUGGIES ALWAYS ON HAND.

HORSES ALSO TAKEN ON LIVERY.

DOUGLAS & JACKSON, Charleston Hotel Stables, September 3 2mo

NOTICE TO PILOTS.—CITY TREASURY, 1st October, 1868.—All Licenses that have expired can be renewed on the recommendation of the Chairman of the Board of Commissioners directed to the Mayor, on application at this office this month. City Treasurer.

October 1

Clothing and Furnishing Goods.

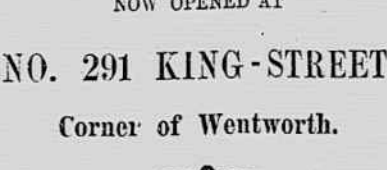
LARGE STOCK

OF FINE FALL CLOTHING.

NOW OPENED AT

NO. 291 KING-STREET,

Corner of Wentworth.



A LARGE AND ELEGANT STOCK OF

FALL AND WINTER CLOTHING

AND FURNISHING GOODS,

FOR MEN, YOUTHS AND BOYS,

OF ENTIRELY NEW GOODS, MADE UP EXPRESSLY FOR MY TRADE, OF THE MOST DESIRABLE STYLES AND WORKMANSHIP. CUSTOMERS PURCHASING CAN DEPEND ON HAVING NONE BUT NEW GOODS OFFERED TO THEM, HAVING DISPOSED OF THE ENTIRE STOCK REMAINING OVER FROM LAST WINTER AND REPLACED BY NEW AND FASHIONABLE STYLES OF GARMENTS, SUCH AS WILL BE WORN THIS COMING SEASON, AND AT LOW PRICES.

BUSINESS SUITS AT FROM \$16 TO \$25 OF THE FOLLOWING GOODS:

SILE MIXED COATINGS

FANCY TRICOT CASSIMERES

MIXED COLORED MELTONS

POWDER GRAY CASSIMERES

BLACK TRICOT COATING

SCOTCH CHERIOT CASSIMERES,

BLACK CLOTH DRESS FROCK COATS

BLACK CLOTH AND BEAVER OVERCOATS

WATERPROOF TWEED COATS

WATERPROOF TWEED GLENGARIES

INDIA RUBBER OVERCOATS AND CAPES.

PANTALOONS AND VESTS TO MATCH, OF FANCY COLORED CASSIMERES, SIDE STRIPES

FANCY COLORED HARRIS CASSIMERES

FANCY COLORED DOUBLE AND TWISTED CASSIMERES

BLACK AND MIXED DOCKINGS

SCOTCH CHERIOT CASSIMERES, &c., &c.

BOYS AND YOUTHS' CLOTHING,

A LARGE STOCK,

To Fit Boys and Youths from 4 to 18 Years Old,

AT LOW PRICES.

FURNISHING GOODS

IN GREAT VARIETY, VIZ:

MERINO, LAMB-WOOL AND SILK UNDER-SHIRTS AND DRAWERS

SHAKER FLANNEL UNDERSHIRTS AND DRAWERS

JEAN AND CANTON FLANNEL UNDERSHIRTS AND DRAWERS

NEGLECT TRAVELLING SHIRTS

MORNING GOWNS

SCARFS, NECK TIES, STOCKS

KID AND BEAVER GLOVES, BUCK GLOVES, &c.

STAR BRAND SHIRTS,

NOTED FOR THEIR FITTING QUALITIES AND GOOD WORKMANSHIP,

AT FROM \$2.35 TO \$4.00.

COLLARS OF LINEN AND PAPER OF ALL THE PREVAILING STYLES.

TAILORING DEPARTMENT,

SUPPLIED WITH A LARGE STOCK OF THE MOST CHOICE GOODS OF THIS SEASON'S IMPORTATIONS, VIZ:

FRENCH, BELGIUM, ENGLISH AND AMERICAN CLOTHS, COATINGS, CASSIMERES, DOESKINS, TIMOIS AND BEAVER OF BLACK, BLUE, OLIVE AND MIXED SHADES, WHICH WILL BE MADE UP TO ORDER IN THE BEST MANNER, UNDER THE CARE OF A FIRST-CLASS FRENCH CUTTER.

PRICES FIXED AND MARKED ON EACH ARTICLE. AN INSPECTION OF THE GOODS IS SOUGHT. THE STOCK WILL BE SHOWN WITH PLEASURE.

WM. MATTHIESSEN.

B. W. McTUBBOUS, Superintendent.

October 3

Insurance Agency.

NEW YORK LIFE INSURANCE COMPANY.

1845.....PURELY MUTUAL.....1845

ASSETS OVER \$10,000,000.

THIS COMPANY ORIGINATED THE CELEBRATED TEN YEAR NON-FORFEITURE SYSTEM. Issues every kind of Policy approved by science and its experience of nearly a quarter of a century, and issues AT COST, returning ALL the profits to the policy-holders. Premiums payable annually, semi-annually and quarterly; and credit of 40 per cent. allowed if desired. General information will be afforded, and the Superintendent's reports of all the Companies exhibited, upon call at this Office.

THOMAS PROST, General Agent for South Carolina, October 9 fmo 1mo No. 54 BROAD-STREET.

Foreign and Domestic Paper, Stationery, &c.

WALKER, EVANS & COGSWELL,

No. 3 Broad and No. 109 East Bay Streets,

CHARLESTON, S. C.

FOREIGN AND DOMESTIC PAPER AND STATIONERY,

PENS, INKS, PENCILS, COPYING PRESSES, &c.

BLANK BOOKS,

OF THEIR OWN MANUFACTURE.

LEDGERS,

CASH BOOKS,

JOURNALS,

Sales Books,

TIME BOOKS,

MEMORANDUM BOOKS,

AND ALL KINDS OF

ACCOUNT BOOKS.

ONE OF THE MOST COMPLETE

PRINTING OFFICES

AND

BINDERIES

IN THE

SOUTHERN COUNTRY.

WHERE THEY ARE PREPARED TO DO EVERY DESCRIPTION OF BOOK, JOB AND FANCY PRINTING, and to manufacture to order BLANK BOOKS, Ruled, Printed or Bound to any pattern.

September 10

Paints, Oils, &c.

WHITE LEAD AND ZINC PAINTS.

10,000 lbs. PREMIUM PURE WHITE LEAD

8000 lbs. Pure White Lead

10,000 lbs. Pure Franklin White Lead

10,000 lbs. Morning Glory White Lead.

5000 lbs. Pure French White Zinc

5000 lbs. Pure American White Zinc.

ALL OF THE ABOVE FOR SALE LOW BY

HOLMES & CALDER,

No. 126 MEETING-STREET. 2mo*

August 29

OILS! OILS! OILS!

500 gallons PURE WINTER SPERM OIL

500 gallons Bleached Winter Whale Oil

1000 gallons No. 1 Winter Lard Oil

1000 gallons prime Tanner's Oil

300 gallons pure Neatsfoot Oil

1000 gallons White Oak Oil

600 gallons Bo